

Ex 25 - Excerpts of the Deposition of Eric Cherveney taken 11/09/18 in MDL 2804

Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on
Proximate Causation Grounds

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 - - -
5

6 IN RE: NATIONAL : HON. DAN A.
7 PRESCRIPTION OPIATE : POLSTER
8 LITIGATION :
9 :
10 APPLIES TO ALL CASES : NO.
11 : 1:17-MD-2804
12 :
13 :

14 - HIGHLY CONFIDENTIAL -
15

16 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
17 - - -
18

19 November 9, 2018
20 - - -
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22 Videotaped deposition of
23 ERIC CHERVENY, taken pursuant to notice,
24 was held at the law offices of Reed
 Smith, LLP, 1717 Arch Street,
 Philadelphia, Pennsylvania, beginning at
 9:50 a.m., on the above date, before
 Michelle L. Gray, a Registered
 Professional Reporter, Certified
 Shorthand Reporter, Certified Realtime
 Reporter, and Notary Public.

25 - - -
26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph | 917.591.5672 fax
28 deps@golkow.com
29

1 decision -- the decisionmaking
2 regarding my investigation that I
3 completed was conducted, you know,
4 outside of my realm. So I'm not
5 sure what the -- what the -- what
6 the results of those -- those
7 investigations entailed.

8 BY MR. PIFKO:

9 Q. Did you make any
10 recommendations for actions in the
11 report?

12 A. You know, it's been so long
13 ago, I don't recall.

14 Q. Do you recall if one of the
15 things that you were evaluating was
16 whether to fill the order?

17 A. Well, keep in mind this was
18 a system that we operated that was
19 prior -- prior to the system that held
20 orders.

21 Q. Okay.

22 A. So this was investigations
23 that occurred after the shipment was
24 already completed.

1 Q. Okay. So it's your
2 understanding that all these orders and
3 in the possible suspicious order report
4 had already been shipped; is that
5 correct?

6 A. Yes. Those were -- those
7 were orders that have already been
8 shipped. That's correct.

9 Q. Okay. And you would look at
10 it to evaluate whether there were
11 concerns, and you would generate a
12 report, but you didn't make any
13 recommendations for a course of action
14 going forward; is that correct?

15 A. That's correct.

16 Q. You provided that to Steve
17 Mays, the report?

18 A. Yes. I believe I give it
19 directly to Steve Mays.

20 Q. Did you send it by e-mail?

21 A. I don't recall. We may have
22 just put it in the Law Track system and
23 he retrieved it from there. I don't
24 recall how I gave it to him.